

By: Hancock

H.B. No. 1539

A BILL TO BE ENTITLED

AN ACT

relating to deferred disposition of certain offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Articles 45.051(b) and (d), Code of Criminal Procedure, are amended to read as follows:

(b) During the deferral period, the judge may, at the judge's discretion, require the defendant to:

(1) post a bond in the amount of the fine assessed to secure payment of the fine;

(2) pay restitution to the victim of the offense in an amount not to exceed the fine assessed;

(3) submit to professional counseling;

(4) submit to diagnostic testing for alcohol or a controlled substance or drug;

(5) submit to a psychosocial assessment;

(6) participate in an alcohol or drug abuse treatment or education program;

(7) pay the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program either directly or through the court as court costs;

(8) complete a [~~driving safety course approved under Chapter 1001, Education Code, or another~~] course as directed by the judge;

1 (9) present to the court satisfactory evidence that
2 the defendant has complied with each requirement imposed by the
3 judge under this article; and

4 (10) comply with any other reasonable condition.

5 (d) If by the conclusion of the deferral period the
6 defendant does not present satisfactory evidence that the defendant
7 complied with the requirements imposed, the judge may impose the
8 fine assessed or impose a lesser fine. The imposition of the fine
9 or lesser fine constitutes a final conviction of the defendant.

10 ~~[This subsection does not apply to a defendant required under~~
11 ~~Subsection (b-1) to complete a driving safety course approved under~~
12 ~~Chapter 1001, Education Code, or an examination under Section~~
13 ~~521.161(b)(2), Transportation Code.]~~

14 SECTION 2. Article 45.051(f), Code of Criminal Procedure,
15 as amended by Chapters 281 and 357, Acts of the 79th Legislature,
16 Regular Session, 2005, is amended to read as follows:

17 (f) This article does not apply to[+]

18 [~~(1)~~] an offense to which Article 45.0511 [~~Section~~
19 ~~542.404 or 729.004(b), Transportation Code,~~] applies[+, or

20 [~~(2)~~] a violation of a state law or local ordinance
21 relating to motor vehicle control, other than a parking violation,
22 committed by a person who:

23 [~~(A)~~] holds a commercial driver's license, or

24 [~~(B)~~] held a commercial driver's license when the
25 offense was committed].

26 SECTION 3. Articles 45.051(b-1), (b-2), (b-3), and (d-1),
27 Code of Criminal Procedure, are repealed.

1 SECTION 4. (a) The change in law made by this Act applies
2 only to an offense committed on or after the effective date of this
3 Act. For the purposes of this section, an offense is committed
4 before the effective date of this Act if any element of the offense
5 occurs before that date.

6 (b) An offense committed before the effective date of this
7 Act is governed by the law in effect when the offense was committed,
8 and the former law is continued in effect for that purpose.

9 SECTION 5. This Act takes effect September 1, 2007.